

## II. Remarks

### A. Status of the Claims

Claims 1-5, 7-13 and 15-16 will be pending after entry of this amendment. Claims 1, 4, 7, 8, 15 and 16 have been amended without prejudice. Support for the amendments can be found throughout the application as originally filed, specifically, e.g., at pages 3 and 5 of the Specification as originally filed. Applicants respectfully submit that no new matter has been added by virtue of this amendment.

### B. Claim Rejections under 35 U.S.C. § 103

#### 1. Potter in view of Charette and Lewis

In the Office Action, claims 1, 4-5, 7 and 12-13 and 15-16 were rejected as being unpatentable over U.S. Patent No. 5,787,402 to Potter in view of U.S. Patent Application Publication No. 2002/0069114 to Charette and further in view of U.S. Patent Application Publication No. 2004/0162772 to Lewis.

This rejection is respectfully traversed. Applicants submit that the combined teachings of Potter, Charette and Lewis fail to render obvious the computer implemented methods for pricing a foreign trade, as presently claimed. The Examiner is reminded that pursuant to MPEP, 8<sup>th</sup> Ed., 7<sup>th</sup> Rev. § 2142, to establish a *prima facie* case of obviousness, and thus sustain the rejection of a claim under 35 U.S.C. § 103(a), there must be a clear articulation of the reasons why Applicants' claimed invention would have been obvious. *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398 (2007). The Supreme Court in KSR has further noted that an analysis supporting a rejection under 35 U.S.C. § 103(a) should be made explicit. Therefore, it is clear that an obviousness rejection "cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977 (Fed. Cir. 2006). Moreover, "[t]o support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a

convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” MPEP, 8<sup>th</sup> Ed. 7<sup>th</sup> Rev. § 706.02(j).

Applicants again maintain their previous position that Potter and Charette are improperly combinable. However, in order to expedite prosecution of the application, Applicants have amended the claims without prejudice to include the limitation of *calculating a price for the foreign trade using the foreign trade data, pricing data, and currency information obtained from a currency database comprising a list of currencies, currency rank, currency rate, points-to-move, currency precision and date of said currency database's last update*. Applicants submit that the combined teachings of Potter, Charette and Lewis fail to obviate this limitation.

Applicants submit that Potter fails to describe how the price of a foreign trade is calculated at all, let alone a currency database that contains the enumerated information used in pricing the trade. Applicants further submit that Charette is directed to a completely different field of endeavor and thus fails to describe foreign trades at all, let alone calculating price of foreign trades using information from a currency database. Lewis also does not describe foreign trades, and therefore also fails to describe calculating price of foreign trades using information from a currency database. Thus the combined references fail to obviate the above-referenced claim limitation.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) be removed.

## **2. Potter in view of Charette and Lewis and Official Notice**

In the Office Action, claims 2-3 and 8-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Potter in view of Charette and Lewis and further in view of Official Notice.

This rejection is respectfully traversed. As discussed *supra*, in order to expedite prosecution of the application Applicants have amended the claims without prejudice to include the limitation of *calculating a price for the foreign trade using the foreign trade data, pricing data, and currency information obtained from a currency database comprising a list of currencies, currency rank, currency rate, points-to-move, currency precision and date of said*

*currency database's last update.* Applicants submit that the combined teachings of Potter, Charette, Lewis and Official Notice fail to obviate this limitation.

For the reasons discussed above, Applicants submit that the combined teachings of Potter, Charette and Lewis fail to obviate this limitation. Applicants further submit that the Examiner has taken Official Notice with respect to encrypting and decrypting e-mails. Thus, the Examiner's Official Notice fails to cure the deficiencies of the above-referenced limitation.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) be removed.

### **III. Conclusion**

In view of the amendments made and arguments presented, it is believed that all claims are in condition for allowance. If the Examiner believes that issues may be resolved by a telephone interview, the Examiner is invited to telephone the undersigned at (973)597-6162. The undersigned also may be contacted via email at [epietrowski@lowenstein.com](mailto:epietrowski@lowenstein.com). All correspondence should be directed to our address listed below.

### **AUTHORIZATION**

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 50-1358.

Respectfully submitted,  
Lowenstein Sandler PC

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